

BARRON COUNTY ORDINANCE NO. 2020 - _____

Authority and Duties of Local Health Officer

The Barron County Board of Supervisors ordains as follows

I. Local Health Officer's Duties and Authority [Sec. 252.03, Wis. Stats.].

A. Sec. 252.03, Wis. Stats., and § DHS 145.06, Wis. Adm. Code (as each currently exists or is hereafter revised) are incorporated herein by reference as if fully set forth.

1. The Barron County Health Officer, upon the appearance of any communicable disease in Barron County, will immediately investigate all the circumstances and make a full report to the County Board and Wisconsin Department of Health Services.
2. The Barron County Health Officer will promptly take all measures necessary to prevent, suppress and control communicable diseases, and will report to the County Board the progress of the communicable diseases and the measures used against them, as needed to keep the County Board fully informed, or at such intervals as the Wisconsin Department of Health Services Secretary may direct.
3. The Barron County Health Officer may inspect schools and other public buildings within his or her jurisdiction as needed to determine whether the buildings are kept in a sanitary condition.
4. The Barron County Health Officer may do what is reasonable and necessary for the prevention and suppression of disease; may forbid public gatherings when deemed necessary to control outbreaks or epidemics and shall advise the Wisconsin Department of Health Services of measures taken.
5. No person may interfere with the investigation under this ordinance of any place or its occupants by the Barron County Health Officer or her or his assistants.

II. Legislative Oversight.

A. Prior Approval.

- (1) Prior to the issuance of a General Order which shall impact the public at large, the Public Health Officer shall obtain the approval of the County Board Chair, Health and Human Services Board Chair, County Administrator and the Health and Human Services Director who shall either approve or disapprove the issuance of the General Order. Approval requires

a majority vote of the above listed individuals. The requirement for prior approval does not affect or negate the requirement for subsequent County Board approval listed below.

(2) Should the decision be not to grant prior approval of the requested General Order, the issue shall be placed on the next regularly scheduled County Board Session or Special meeting for consideration by the entire County Board.

B. Orders issued by the Barron County Public Health Officer or designee which impact the public at large shall be effective for no more than 31 days unless such order is ratified and affirmatively approved by the Barron County Board of Supervisors at its next regularly scheduled meeting or at a special meeting.

C. Failure of the County Board of Supervisors to ratify and affirmatively approve such general order which impact the public at large shall cause the order to expire upon the passage of 31 days or sooner based upon a vote of the County Board that ends the order prior to the expiration of the 31 days.

D. Types of orders requiring or not requiring Legislative Oversight and approval:

1. General Orders impacting the public at large issued by the Barron County Public Health Officer or designee are effective for no more than 31 days unless affirmatively approved by the County Board. The requirement of legislative review by the County Board and the limitation on the effective period relates to only General Orders which if violated are subject to a civil forfeiture and enforcement procedures listed in Section III. A through C below.
2. "Outbreak" Orders are orders that relate to a specific person, group of persons or a gathering spot that are deemed reasonable and necessary to immediately control the spread or potential spread of a communicable disease.
 - a) "Outbreak" Orders are not subject to the 31 day time limitation nor do they require affirmative approval by the County Board of Supervisors to continue their validity.
 - b) Authority to enforce "Outbreak" Orders is set forth in Wisconsin Administrative Code Section DHS 145.06.
 - c) In addition to authority found in Wisconsin Administrative Code Section DHS 145.06, violation of Isolation and "Outbreak" orders are subject to a civil forfeiture and enforcement procedures listed in Section III. A through C below.
3. Isolation and Quarantine. Orders that relate to isolation and quarantine of a specific person, or group of persons that have been exposed or actually

86 infected by a communicable disease and it is deemed reasonable and
87 necessary to immediately control the spread or potential spread of a
88 communicable disease.

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- 90 a) Isolation and Quarantine Orders are not subject to the 31 day time
91 limitation nor do they require affirmative approval by the County
92 Board of Supervisors to continue their validity.
93
- 94 b) Authority to enforce Isolation and Quarantine Orders is set forth in
95 Wisconsin Administrative Code Section DHS 145.06.
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- 97 c) In addition to authority found in Wisconsin Administrative Code
98 Section DHS 145.06, violation of Isolation and Quarantine orders
99 are subject to a civil forfeiture and enforcement procedures listed in
100 Section III. A through C below.
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102 **III. Violation, Penalty and Enforcement Procedures.**
103

104 **A.** Any person who violates or obstructs the execution of this ordinance or an order
105 of the Barron County Health Officer relating to public health under § I.A.2. or
106 4. above is subject to:
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- 108 1. The issuance of a citation pursuant to Sec. 1-13(d) Barron County General
109 Code and Sec. 66.0113, Wis. Stats. A citation hereunder may be issued by
110 the local health officer or county law enforcement officers.
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- 112 2. A minimum forfeiture of \$100 to a maximum forfeiture of \$500 for each
113 violation.
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- 115 3. The issuance of a summons and complaint, and entry of a civil judgment for
116 a forfeiture and (temporary or permanent) injunctive relief.
117

118 **B.** A separate offense shall be deemed committed each day during or on which a
119 violation occurs or continues.
120

121 **C.** Proceeding under any other ordinance or law relating to the same or any other
122 matter shall not preclude enforcement under this ordinance.
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124 **IV. Severability.**

125 **A.** Should any portion of this ordinance be declared unconstitutional or invalid by
126 a court of competent jurisdiction, the remainder of this ordinance shall not be
127 affected.
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129 **V. Purpose.**
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A. The purpose of this ordinance is to promote and protect the public health, safety, convenience, and general welfare of the residents of Barron County pursuant to the authority granted in Chapter 252 Wisconsin Statutes and Section 145 of the Wisconsin Administrative Code.

VI. Effective Date.

A. This ordinance shall take effect after enactment and on the day following the date of publication or posting.

WHEREAS, this ordinance was approved by the Health and Human Services Board on September , 2020, on a vote of ____, with ____ voting in favor and ____ against.

WHEREAS, this ordinance was approved by the Executive Committee on September , 2020, on a vote of ____, with ____ voting in favor and ____ against.

NOW, THEREFORE, BE IT ORDAINED, that the Barron County Board of Supervisors does adopt the above listed Authority and Duties of Local Health Officer Ordinance.

BE IT FURTHER ORDAINED that the County Board of Supervisors amends Section 1-13(d)(1) of the Barron County General Code to add subd. (g) "Public Health Director or Designee" as having the authority to issue citations.

BE IT FURTHER ORDAINED that this Ordinance shall be effective upon its adoption and publication and that publication of this ordinance may occur through posting in accordance with Section 985.02 of the Wisconsin Statutes.

OFFERED THIS ____ day of September, 2020.

Number of readings required: One () Two ()

Vote required for passage: Majority ()
2/3 Entire Board (20) ()

Source of funding: Budgeted () General Fund ()
Grant () Contingency ()
Other () Details _____

Fiscal impact:

- Current year total amount: \$
- Future years total amount: \$
- Effect on tax levy – current year - \$
- Effect on tax levy – future years - \$

Board Action: Adopted () Failed () Tabled ()

Karolyn Bartlett, Health and Human Services Board

Louie Okey, Executive Committee Chair

(The Committee Chair signature verifies the action taken by the Committee.)

Fiscal impact reviewed by County Finance Department

Jodi Busch, Finance Director

Approved as to form by County Administrator:

Jeffrey French, Administrator

Approved as to form by Corporation Counsel:

John Muench, Corporation Counsel

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